

DANIEL M. PETROCELLI (S.B. #97802)  
dpetrocelli@omm.com  
VICTOR JIH (S.B. #186515)  
vjih@omm.com  
MOLLY M. LENS (S.B. #283867)  
mlens@omm.com  
O'MELVENY & MYERS LLP  
1999 Avenue of the Stars, 7th Floor  
Los Angeles, California 90067-6035  
Telephone: (310) 553-6700  
Facsimile: (310) 246-6779

Attorneys for the Warner Parties

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

FOURTH AGE LTD., *et al*,  
Plaintiffs,  
v.  
WARNER BROS. DIGITAL  
DISTRIBUTION, *et al*,  
Defendants.

WARNER BROS. DIGITAL  
DISTRIBUTION INC., *et al*,  
Counterclaim  
Plaintiffs,  
v.  
FOURTH AGE LTD., *et al*,  
Counterclaim  
Defendants.

Case No. 12-9912-ABC (SHx)

**DISCOVERY MATTER**

**WARNER'S NOTICE OF  
MOTION AND MOTION TO  
COMPEL ADDITIONAL  
DEPOSITIONS**

**Judge:** Hon. Audrey B. Collins  
**Magistrate:** Hon. Stephen J. Hillman

**Hearing Date:** March 17, 2014  
**Hearing Time:** 2:00 p.m.

**Discovery Cut-Off:** April 15, 2014

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on March 17, 2014 at 2:00 p.m., or as soon  
3 thereafter as the matter may be heard by the above-entitled court, located at 255  
4 East Temple Street, Los Angeles, California, in Courtroom 550, defendants and  
5 counterclaim plaintiffs Warner Bros. Home Entertainment Inc., Warner Bros.  
6 Entertainment Inc., Warner Bros. Consumer Products Inc., and New Line  
7 Productions, Inc. (collectively, "Warner") will and hereby do move the Court for an  
8 order (1) permitting Warner to depose Cathleen Blackburn and Steven Maier for an  
9 additional day of seven hours each; and (2) granting Warner five additional fact  
10 depositions, for a total (shared with The Saul Zaentz Company ("Zaentz")) of 15  
11 fact witnesses.

12 Warner and plaintiffs and counterclaim defendants Fourth Age Limited,  
13 Priscilla Mary Anne Reuel Tolkien, as Trustee of the Tolkien Trust, The J.R.R.  
14 Tolkien Estate Ltd., Harper Collins Publishers, Ltd., Unwin Hyman Ltd. and  
15 George Allen & Unwin (Publishers), Ltd. (collectively, the "Tolkien/HC Parties")  
16 submit the Joint Stipulation Regarding Warner's Motion to Compel Additional  
17 Depositions pursuant to Federal Rules of Civil Procedure 26, 30, and 37, and  
18 Central District Local Rule 37-2. Pursuant to Central District Local Rule 37-1,  
19 Warner and the Tolkien/HC Parties have attempted unsuccessfully to resolve their  
20 disputes and therefore respectfully seek the assistance of the Court.

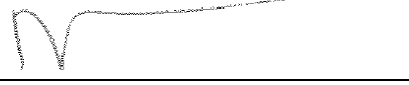
21  
22  
23  
24  
25  
26  
27  
28

1 This motion is based on this Notice of Motion and Motion; the  
2 accompanying Joint Stipulation and all declarations and exhibits in support thereof;  
3 any additional briefing that may be filed; all exhibits, files, and records on file in  
4 this action; matters of which judicial notice may be taken; and such additional  
5 submissions and argument as may be presented at or before the hearing on this  
6 motion.

7  
8 Dated: February 19, 2014


Respectfully Submitted,

O'MELVENY & MYERS LLP

11 By:   
12 Daniel M. Petrocelli  
13 Attorneys for Warner Defendants  
14 and Counterclaim Plaintiffs

15 Dated: February 20, 2014

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

17 By:   
18 Bonnie E. Eskenazi  
19 Attorneys for Plaintiffs and  
20 Counterclaim Defendants